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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,589	01/24/2002	Prasad Nimmagadda	9400-235CT (98033)	3799
39072	7590	06/30/2006	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC, P.A.			TRAN, THIEN D	
P.O. BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	
			2616	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/057,589	Applicant(s) NIMMAGADDA, PRASAD	
	Examiner Thien D. Tran	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 31-33, 35-40, 42-59, 61 and 62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5, 31-33, 42, 43, 61 and 62 is/are allowed.
- 6) ☒ Claim(s) 35, 36, 38, 39, 44, 45, 52-54, 59 is/are rejected.
- 7) ☒ Claim(s) 37, 40, 46-51 and 55-58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 38, 39, 44, 45, 52-54, 59 are rejected under 35 U.S.C. 102(e) as being participated by Bremer et al (U.S Patent No. 6,061,392).

Regarding claim 38, Bremer discloses in a telecommunications network with a telecommunications device, a method to provide transmission bandwidth allocated to data (impact information on performance of a data service) in light of concurrent use of a voice service of the ADSL system, col.8 lines 35-45, the method comprising:

causing a telecommunications network to detect all off-hook indication with respect to the telecommunications device, col.8 line 16;

causing the telecommunications network to determine the data service is in use, col.11 line 52-55; and

causing the telecommunications network to provide transmission bandwidth allocated to data (impact information on performance of a data service) in light of concurrent use of a voice service of the ADSL system, col.8 lines 35-45.

Regarding claims 39, 52, 59, Bremer discloses causing the telecommunications network to provide an announcement including transmission bandwidth allocated to data (impact information on performance of a data service) in light of concurrent use of a voice service, col.8 lines 35-45.

Regarding claim 44, Bremer discloses in an asymmetrical digital subscriber line (ADSL) system, col.6 line 43 connected to a telecommunications network, a computer, and a telecommunications device, a system to provide transmission bandwidth allocated to data (impact information on performance of a data service) in light of concurrent use of a voice service of the ADSL system, col.8 lines 35-45, the system comprising:

a front end switch 66 in the telecommunications network being operative to detect an off-hook indication with respect to the telecommunications device, col.11 line 19-22,

to communicate with the ADSL system to determine that the data service is in use, colo.12 lines 18-20, and

to send a message to a controller 80 (an intelligent peripheral), figure 4, in the telecommunications network regarding the off hook indication and the controller 80 being operative to respond to the message from the switch by providing an announcement to the telecommunications device including impact information on performance of the one service in light of concurrent use of the other service, col.10 lines 52-65.

Regarding claim 45, Bremer discloses that the transmission bandwidth allocated to data/voice (impact information on performance of a data service) in light of concurrent use of a voice service of the ADSL system, col.8 lines 35-45.

Regarding claim 53, Bremer discloses that the message from the switch comprises whether the data service is in use, col.10 lines 15-20.

Regarding claim 54, Bremer discloses that the message from the switch comprises the effect of the one service on the other service when the other service is used concurrently with the one service, col.10 lines 15-20.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bremer et al** (U.S Patent No 6,118,780)

Regarding claim 35, Bremer discloses in an asymmetrical digital subscriber line (ADSL) system connected to a computer and a telecommunications device, col.6 line 43, a method to provide transmission bandwidth allocated to data (impact information on performance of a data service) in light of concurrent use of a voice service of the ADSL system, col.8 lines 35-45, the method comprising:

causing the ADSL system to detect an off-hook indication with respect to the telecommunications device, col.8 line 16;

causing the system to provide (impact information on performance of a data service) in light of concurrent use of a voice service of the ADSL system, col.8 lines 35-45.

Bremer does not disclose causing the ADSL system to provide a detection indication of impact information on performance of a data service to the computer. However, it would have been obvious to one having ordinary skill in the art to have the feature of providing a detection indication of impact information on performance of a data service to the computer so that the user can easily select the option of using full band or band-limiting condition in the ADSL system.

Regarding claim 36, Bremer does not disclose the computer to provide impact information on performance of the data service in light of concurrent use of the voice service comprising including the effect of the data service on the voice service when the voice service is used concurrently with the data service. However, it would have been obvious to one having ordinary skill in the art to have the computer to provide impact information on performance of the data service in light of concurrent use of the voice

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service comprises including the effect of the data service on the voice service when the voice service is used concurrently with the data service so that the user can easily select the option of using full band or band-limiting condition in the ADSL system.

Allowable Subject Matter

5. Claims 37, 40, 46-51, 55-58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 2-5, 31-33, 42, 43, 61, 62 are allowed.

Conclusion

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To, can be reached on (571) 272-7629. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

Patent Examiner

Thien Tran

A handwritten signature in black ink, appearing to read 'W. Chin', followed by a long horizontal line extending to the right.

WELLINGTON CHIN
SENIOR PATENT EXAMINER